

Remarks

Applicants have amended Claims 1, 4 and 5 and have cancelled Claims 2, 3, 26 and 28. Basis for the amendment to Claim 1 may be found in original Claim 3, the limitations of which have been incorporated into Claim 1. Claims 4 and 5 have been amended to make them properly dependent from Claim 1 (which now includes the limitations of cancelled Claim 3).

Because each of these amendments narrow the scope of the present invention, it is respectfully submitted that these amendments constitute no added matter. Entry of the amendments and reconsideration of the application in view of the following is courteously requested.

Rejection Under 35 U.S.C. 112

Claims 26-28 stand rejected under 35 U.S.C. 112 as allegedly failing the written description and enablement requirements. In order to expedite prosecution, Applicants have cancelled Claims 26-28. Applicants expressly reserve the right to pursue claims drawn to the subject matter of cancelled Claims 26-28 in a subsequent continuation or divisional application.

In view of the cancellation of Claims 26-28, Applicants submit that the present rejection under 35 U.S.C. 112 has been rendered moot, and kindly request withdrawal of the rejection.

Rejection Under 35 U.S.C. 102

Claims 1-5, 7-12, 18-19, 26-28 and 34 have been rejected as allegedly being anticipated by compounds disclosed in WO 03/010981 and WO 04/67529. In view of the amendment to Claim 1 and further in view of the discussion provided herein, Applicants respectfully submit that the present rejection has been obviated.

WO 04/67529 discloses the compound “methanesulfonamide, N-[3-(6,7,8,9-tetrahydro-5-methyl-5H-benzocyclohepten-5-yl)-1H-indol-7-yl)-“ which has a benzofused bicyclic ring system attached to the indole core structure through a 7-membered cycloalkyl portion of the bicyclic ring. However, as amended, Claim 1 is drawn to compounds of Formula I wherein X represents CH₂, -CH₂CH₂- or -CH₂O-. Thus, the present invention is not drawn to compounds that contain an indole core structure bearing a benzofused bicyclic ring system, wherein the bicyclic ring is attached to the indole portion through a 7-membered cycloalkyl ring.

Regarding WO 03/101981, this publication discloses the compound “1H-indole-1-acetic acid, 3-(7-chloro-4-quinolinyl)-2-methyl-5-((methylsulfonyl)amino)-“. However, as is clear from the definition of Formula I contained in Claim 1, the present invention does not encompass this compound from WO 03/101981. For example, the present invention does not encompass compounds wherein there is a methyl substituent at the 2 position of the indole core;

nor does it encompass compounds wherein there is carboxymethyl substituent at the 1-position of the indole core; and nor does the present invention encompass compounds wherein there is quinoline substituent at the 3-position.

In view of the amendment to Claim 1, and further in view of the discussion above, Applicants respectfully submit that the present rejections under 35 U.S.C. 102 have been obviated, and kindly request withdrawal of the rejections.

In view of the amendments and discussion provided herein, Applicants respectfully submit that the present application is in condition for allowance, therefore, reconsideration of the present application is courteously solicited. Should the Examiner decide to issue a further rejection, or desire to discuss the present application in any regard, the Examiner is invited to contact the undersigned attorney at her convenience.

Respectfully submitted,

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